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## THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION  
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IN THE MATTER OF THE JOINT  
APPLICATION BETWEEN CITIZENS  
UTILITIES COMPANY AND CAP ROCK  
ENERGY CORPORATION FOR THE  
APPROVAL OF THE SALE OF CERTAIN  
ELECTRIC UTILITY PROPERTIES IN  
ARIZONA AND THE TRANSFER OF THE  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY FROM CITIZENS TO CAP  
ROCK.

Docket No. E-01032A-00-0163  
Docket No. E-01032B-00-0163  
Docket No. E-01032C-00-0163  
Docket No. E-00851A-00-0163  
Arizona Corporation Commission

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**RUCO'S RESPONSE TO THE CLARIFYING MOTION REQUESTING  
CONTINUED SUSPENSION OF PROCEEDINGS**

The Residential Utility Consumer Office ("RUCO") hereby responds to the Clarifying Motion Requesting Continued Suspension Of Proceedings filed by Cap Rock Energy Corporation ("Cap Rock") and Citizens Utilities Company ("Citizens"). On October 16, 2000, Cap Rock and Citizens ("the Applicants") requested that the Commission suspend the procedural schedule in the above-captioned matter pending further notice. By Procedural Order dated October 17, 2000, the Hearing Officer granted the applicants' request and ordered Cap Rock to file a clarifying motion within 30 days. On November 17, 2000, the Applicants filed their clarifying motion and requested a continued suspension of the proceedings. The Applicants have agreed to file another status report within 30 days. RUCO objects to a continued suspension of the proceedings for the following reasons.

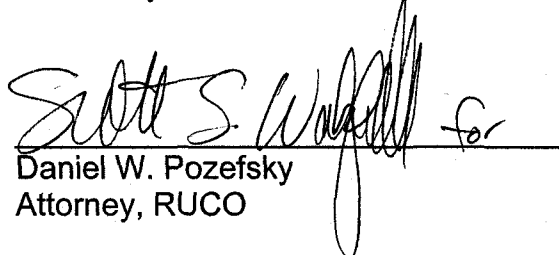
1 This is the Applicants' third request to extend the time limits in this proceeding. RUCO  
2 agreed to the Applicants' last request with the understanding that the applicants would be in a  
3 position to either go forward or withdraw at this point. At this point Cap Rock does not have a  
4 revised application that has been approved by its own Board or its lender.

5 RUCO concurs with Staff's response dated October 30, 2000 to the Applicants' original  
6 Joint Motion to Suspend the Procedural Schedule. To continue to suspend the proceedings  
7 would not be beneficial to RUCO. It is likely that an amended application will be substantially  
8 different in light of the issues raised by the original application. RUCO will be forced to expend  
9 additional time analyzing old and stale information with the new information within a limited  
10 time frame. Although the Applicants are willing to extend the time requirements, it is unclear  
11 how long an extension would be warranted. The Applicants are clearly at a pre-filing stage in  
12 this proceeding. The applicants expect to have an amended application filed within the next 30  
13 to 60 days, but it could take longer, especially since it is dependent on approval by Citizens,  
14 Cap Rock's Board and Cap Rock's lender.

15 A denial of the Applicants' motion and a dismissal of their application without prejudice  
16 would not prejudice the applicants. The Applicants are not ready to file their revised  
17 application and would be under no procedural time constraints to file another application.

18 WHEREFORE, RUCO opposes the Applicants' Clarifying Motion Requesting Continued  
19 Suspension of the Proceedings and requests that the application be dismissed without  
20 prejudice.

21 RESPECTFULLY SUBMITTED this 20<sup>th</sup> day of November, 2000.

22   
23 Daniel W. Pozefsky  
24 Attorney, RUCO

1 AN ORIGINAL AND TEN COPIES  
2 of the foregoing filed this 20th day  
3 of November, 2000 with:

4 Docket Control  
5 Arizona Corporation Commission  
6 1200 West Washington  
7 Phoenix, Arizona 85007

8 COPIES of the foregoing hand delivered/  
9 mailed this 20th day of November, 2000 to:

10 Jerry Rudibaugh, Chief Administrative Law Judge  
11 Hearing Division  
12 Arizona Corporation Commission  
13 1200 West Washington  
14 Phoenix, Arizona 85007

15 Deborah Scott, Director  
16 Utilities Division  
17 Arizona Corporation Commission  
18 1200 West Washington  
19 Phoenix, Arizona 85007

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